

EXHIBIT A TO

BERRY V. ROMERO TRUCKING, INC.

COMPLAINT

AMENDED CHARGE OF DISCRIMINATION

Case 2:05-cv-00625-WKW-DRB

Document 1-3

AGENCY

CHARGE NUMBER

Page 2 of 4

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

FEPA

130-2005-00804

X EEOC

Amended

and EEOC

State or local Agency, if any

NAME (Indicate Mr., Ms., Mrs.)

Kelly M. Berry

HOME TELEPHONE (Include Area Code)

334.361.0019

STREET ADDRESS

CITY, STATE AND ZIP CODE

376 County Road 62, Prattville, AL 36067

DATE OF BIRTH

11/12/64

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

Romero Trucking, Inc.

NUMBER OF EMPLOYEES, MEMBERS

Over 15

TELEPHONE (Include Area Code)

334.365.9455

STREET ADDRESS

CITY, STATE AND ZIP CODE

367 G & S Road, Prattville, AL 36067

COUNTY

Autauga

NAME

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

RACE COLOR SEX HARASSMENT

RELIGION NATIONAL ORIGIN **RETALIATION**

AGE

DISABILITY

DATE FIRST or CONTINUING DISCRIMINATION TOOK PLACE AND DATE LAST DISCRIMINATION TOOK PLACE (Month Day Year):

FIRST:

LAST:

OTHER (Specify) GENDER

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s):

CHARGE OF DISCRIMINATION

SSN: 567-21-1767

Sex: Female

Race: Caucasian

Please see following page for particulars

**NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: June 28, 2007
BONDED THRU NOTARY PUBLIC UNDERWRITERS**

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - (When necessary for State and Local Requirements)

Dianne W. Fester

I declare under penalty of perjury that the foregoing is true and correct.

SIGNATURE OF COMPLAINANT

Kelly M. Berry
KELLY M. BERRY

KELLY M. BERRY

Date *2/16/05*

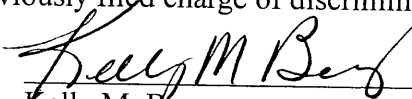
Charging Party (Signature)

Kelly M. Berry

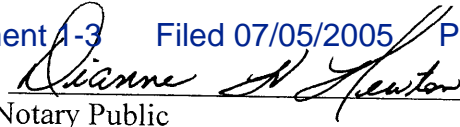
SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year)

16/02/05

1. I began working for the Respondent on November 13, 2000, as a dispatcher. My job duties as a dispatcher were to dispatch trucks, input loads into the computer, hire, fire, discipline and otherwise manage and direct drivers.
2. Romero Trucking, Inc. and Central Alabama Trucking, Inc. are operated as one entity, although they may be separately incorporated.
3. Both Romero and Central occupy the same building.
4. I was a dispatcher for Romero Trucking, Inc. During the time that I was employed there, Central Alabama Trucking, Inc. had several dispatchers. They included Ed Guivera.
5. My pay was changed from salary to hourly immediately after I notified my employer I would be off for six weeks for medical reasons. The purpose was to avoid having to pay me for my accumulated sick leave. I would have had to be paid had I remained a salaried employee. Instead I was changed to hourly to avoid this.
6. After the memo changing dispatchers from salary to hourly, dispatchers for Central Alabama Trucking were paid on a salaried basis, as I had been before my surgery.
7. I believe that my pay status was changed from salaried to hourly in violation of Title VII of the Civil Rights Act of 1964, as amended, while male employees performing the same job functions were paid on a salary basis.
8. A former employee of Central Alabama Trucking, Teresa A. Graves (Charge No. 130-2004-01130) filed a charge of discrimination with the EEOC regarding gender discrimination. On August 17, 2004, a questionnaire was sent to Rauls Romero, owner of Central Alabama Trucking, by the EEOC investigator, Gaines Ellenburg, Jr., regarding the charged filed by Teresa Graves.
9. Romero discussed the charge with me, so I know he received it.
10. When I realized that I was also the victim of gender discrimination regarding the pay basis when I was changed to an hourly status, I drafted a letter, and subsequently sent a letter to Mr. Ellenburg asking him to investigate my situation as well. The letter that I sent to Mr. Ellenburg was in the console of my car on November 2, 2004, with a Post-It Note on it.
11. Mr. Romero asked to borrow my car for some reason on November 2. I did not think about the letter I had written to the EEOC being in the car.
12. When I got back in my car after Romero had borrowed it, I noticed that my letter had been read by him because a Post-It Note had been moved on the letter. I remember specifically where I had put the Post-It Note on the letter and the fact that it was moved. Within 4 days of Romero reading this letter, I was terminated for claimed reasons of attendance and job performance. I had never received any previous discipline for these matters.
13. I believe I was terminated in retaliation for my previously filed charge of discrimination.


Kelly M. Berry

The foregoing instrument was acknowledged before me this the 16 day of February, 2005, by Kelly M. Berry.


Notary Public

My commission expires:

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: June 28, 2007
BONDED THRU NOTARY PUBLIC UNDERWRITERS